

**APPROVED**  
**VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS**  
**FORMAL ADMINISTRATIVE HEARING**  
**MARCH 8, 2012**

The Virginia Board of Funeral Directors and Embalmers convened on March 8, 2012, at the Department of Health Professions, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 2, Henrico, Virginia.

**BOARD MEMBERS PRESENT:** Robert B. Burger, Jr., FSP, President  
Junius H. Williams, Jr., Secretary-Treasurer  
Randy Minter, FSP  
Mike Leonard, FSP  
Bob Oman, FSP  
Chris Vincent, FSP  
Walter S. Bell, Citizen Member

**DHP STAFF PRESENT:** Lisa R. Hahn, Executive Director  
Lynne Helmick, Executive Deputy Director  
Kathy Petersen, Discipline Operations Manager  
Missy Currier, Board Operations Manager  
Peter Opper, Adjudication Specialist  
Anthony Sellers, Senior Investigator  
Karen Schaller, Senior Investigator

**MEMBERS FROM THE OFFICE OF THE ATTORNEY GENERAL PRESENT:** Charis A. Mitchell, Assistant Attorney General, Board Counsel  
James Schliessmann, Assistant Attorney General

**RESPONDENT'S COUNSEL :** Kimberley A. Murphy, Esq. – Counsel  
Samantha S. Fredieu, Esq. – Co-Counsel

**OTHERS PRESENT:** Leslie Keenan, FSL  
Marjorie Allen  
John Allen  
Velma McClurney  
Arlene Howard  
Marie Barnett, FD  
David Brisbon  
Christine Austin-Williams  
JoAnn Ware  
James Arrington  
Roderick D. Jenkins  
Bill Thomas

**COURT REPORTER:** Lanieda Briggs, Certified Court Reporter – Crane-Snead & Assoc.

**CALL TO ORDER** The Formal Administrative Hearing of the Board was called to order at 9:49 a.m.

**ESTABLISHMENT OF A QUORUM:** With seven (7) members of the Board present, a quorum was established.

**MATTER SCHEDULED:** **Carlos A. Howard, FSP**  
**License Number: 0502-780010**  
**Case Numbers: 140985, 133555, 134613 & 140424**

**Carlos A. Howard Funeral Home**  
**License Number: 0501-000601**  
**Case Number: 140992**

**PRELIMINARY MATTER:** Mr. Schliessmann introduced two additional documents; an expert report of Ms. Leslie Keenan, FSL and several photographs provided by the source of case number 140985 and 140992. Ms. Murphy objected to the entry.

**RULING:** The objection was overruled by the Chair and the documents were entered into the record as Commonwealth Exhibits 7 and 8 and Commonwealth Exhibits 4 and 5 respectively.

**PRELIMINARY MATTER:** Ms. Murphy introduced a document to accompany the Commonwealth's Evidence 3 in both cases. Mr. Schliessmann had no objection.

**RULING:** The Chair entered Ms. Murphy's document into the record as page number 82B and 79B respectively.

**PRELIMINARY MATTER:** Ms. Murphy introduced additional documentation regarding information she had referenced in her opening remarks. Mr. Schliessmann had no objections.

**RULING:** The Chair accepted the additional documentation and ruled that it would be marked as Respondent Exhibit A, B, C, D and entered into the record.

**DISCUSSION:** Mr. Howard appeared before the Board in accordance with the Amended Notice and Statement of Particulars dated February 28, 2012. Mr. Howard was represented by Kimberley Murphy, Esq. as counsel and Samantha Fredieu as co-counsel.

The Board received evidence and sworn testimony from witnesses called by the parties and Mr. Howard regarding the matters as set forth in the Statement of Particulars.

During the course of testimony of the witnesses called to testify and

Mr. Howard, various objections were made and ruled on by the Chair.

**CLOSED SESSION:** Upon a motion by Mr. Leonard, and duly seconded by Mr. Williams, the Board voted to convene a closed meeting pursuant to §2.2-3711.A(27) of the *Code of Virginia*, for the purpose of deliberation to reach a decision in the matter of Carlos A. Howard, FSP and Carlos A. Howard Funeral Home. Additionally, Mr. Leonard moved that Ms. Hahn, Ms. Mitchell, Ms. Helmick, Ms. Petersen and Ms. Currier attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The Board convened into closed session at 5:53 p.m.

**OPEN SESSION:** Having certified that the matters discussed in the preceding closed session met the requirements of §2.2.-3712 of the *Code of Virginia*, the Board re-convened open session at 8:08 p.m.

**ACTION:** Upon a motion by Mr. Leonard, and duly seconded by Mr. Ball, the Board voted to continue the SUSPENSION of the funeral service provider license of Carlos A. Howard, FSP for not less than 6 months, a monetary penalty of \$12,500 to be paid in full before reinstatement can occur. Upon reinstatement, Mr. Howard cannot serve as a Manager of Record for one year from the date of reinstatement. If Mr. Howard is found in violation of any laws or regulations relating to the practice of funeral service in the Commonwealth of Virginia, within two (2) years following entry of said Order, Mr. Howard's license will be revoked immediately.

In the matter of Carlos A. Howard Funeral Home, the Board voted to continue the SUSPENSION, until a new Manager of Record is approved by the Board. Upon reinstatement, Carlos A. Howard Funeral Home will be subject to six (6) unannounced inspections at the funeral homes expense. The motion was carried.

**VOTE:** The vote was unanimous, with seven (7) affirmative votes.

**ADJOURNMENT:** The Board adjourned at 8:17 p.m.

*The decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.*

\_\_\_\_\_  
Robert Burger, Jr., FSP, President

\_\_\_\_\_  
Lisa R. Hahn, Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date